REQUEST FOR PROPOSAL

for

RECRUITMENT PROCESS OUTSOURCING SERVICES

SOLICITATION # 91680

ISSUE DATE: APRIL 15, 2019

DUE DATE FOR PORTFOLIO RESPONSES: APRIL 26, 2019, 2:00 PM EDT

Submit Responses to:

Sharon G. Barry
Director of Procurement
sharon.barry@umuc.edu
301-985-7156

And

Eric Pfister
Assistant Director of Procurement
eric.pfister@umuc.edu
301-985-7095
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The following documents are posted at www.umuc.edu/procurement under the Solicitation Number 91680.
SECTION I

GENERAL SOLICITATION INFORMATION

1. Issuing Office:

University of Maryland University College
Office of Procurement Services, Room 4100
3501 University Blvd. East
Adelphi, MD 20783

Attn: Sharon G. Barry, Director of Procurement
University of Maryland University College
3501 University Boulevard East
Adelphi, Maryland 20783
sharon.barry@umuc.edu

and

Eric Pfister, Assistant Director of Procurement
University of Maryland University College
3501 University Boulevard East
Adelphi, Maryland 20783
eric.pfister@umuc.edu

2. Questions and Inquiries:

All questions and inquiries regarding this procurement are to be directed to the individuals referenced with the Issuing Office above. All such questions and inquiries must be received by the dates established for each phase of the procurement per the Solicitation Schedule. Questions are to be submitted in writing via e-mail to the people identified above. Inquiries will receive a written reply via an addendum to the Solicitation. Addenda will be sent electronically to all known holders of the Solicitation as well as posted on UMUC’s electronic bid board, without identification of the inquirer.

Note: The Issuing Office shall be the sole point of contact with the University for purposes of the preparation and submittal of proposals in response to this solicitation. All questions regarding this solicitation shall be directed in writing via email to the two (2) people noted above in the Issuing Office. Refer to the Solicitation Schedule for the due date for questions related to the Portfolio Phase.

This project will be managed by the University of Maryland University College’s (UMUC’s) Office of Human Resources with contract assistance from UMUC’s Office of Procurement.
SECTION II
SOLICITATION SCHEDULE

Issue Date: April 15, 2019

**Phase 1:** Portfolio Submission Date: April 26, 2019, by 2:00 P.M. EDT

*Note: No questions will be accepted during Phase 1.*

Establish Shortlist from Phase 1 Submittal: May 6, 2019

**Phase 2:** Issue Scope of Work (SOW) to Shortlisted Proposers and Request References: May 9, 2019

**Questions Regarding SOW Due:** May 23, 2019, by 2:00 P.M. EDT

**Technical Proposal and References Due:** June 7, 2019, by 2:00 P.M. EDT

Establish Second Shortlist from Initial Technical Proposal Evaluation: June 20, 2019

**Phase 3:** Anticipated Oral Presentation/Interviews: TBD; July 8-July 12, 2019

Establish Final Shortlist from Phase 3 Orals/Interviews: July 12, 2019

**Price Proposal Due:** July 19, 2019, by 2:00 P.M. EDT

**BAFO Due (if requested by UMUC)** July 25, 2019, by 2:00 P.M. EDT

Anticipated Contractor(s) Selection finalized: August 1, 2019

**Phase 4:** Agreement executed with selected Contractor(s) by: August 30, 2019

Anticipated Board of Regents approval by: October 18, 2019

Anticipated Board of Public Works approval by: January 8, 2020

Contract Commencement: July 1, 2020 (Projected)
SECTION III
INTRODUCTION AND PROCESS

1. Summary:

1.1 Objective. The University of Maryland University College (UMUC or the University) is soliciting proposals for recruitment process outsourcing services. The selected contractor will work with the Office of Human Resources to achieve the University’s talent acquisition goals. Only proposers with no fewer than five (5) years of experience in recruitment process outsourcing and experience managing at least one client with stateside and overseas workforce of no fewer than 3,000 employees (global scale/reach) will be considered.

Only one contract will result from this solicitation.

UMUC is committed to a quality-based selection process for the procurement of recruitment process outsourcing services.

Minority participation is important to UMUC and the State of Maryland. A MBE subcontracting goal of no less than three and one-half percent (3.5)% of the total overall contract(s) value is established for this solicitation. This subcontracting goal will become part of the contract. If an MBE prime is awarded the contract, this MBE subcontracting goal will still apply. Firms that are shortlisted and that are invited to submit a Technical Proposal will be required to provide the MBE forms as part of the submission. Proposers MUST complete and include these forms in their Technical Proposal (refer to Solicitation Schedule for anticipated due date). Per Maryland law, if MBE forms are NOT provided, the Procurement Officer shall deem the proposal not susceptible of the award. This is non-curable.

The selection process, as detailed in Sections IV and V of this Solicitation will be done in four (4) phases, as follows:

Phase 1: Portfolio Submission
   ● Establish Shortlist from Phase 1 Submittal

Phase 2: Issue Scope of Work (SOW) to Shortlisted Proposers and Request References
   ● Establish Second Shortlist from Phase 2 – Technical Proposals

Phase 3: Anticipated Oral Presentation/Interviews
(Second Shortlisted Proposers, if required and invited by UMUC.)
   ● Conduct Oral Presentations/Interviews
   ● Establish Final Shortlist from Phase 3
   ● Request Price Proposals

Phase 4: Notify Awardee
   ● Contractor Selection finalized
   ● Negotiate and Execute Contract

Note: As the procurement progresses, UMUC reserves the right to revise the
anticipated phases. As well, as the procurement progresses, UMUC will provide to the Shortlisted Proposers at each phase and at the appropriate time, additional information regarding the required services.

1.2 Background. Founded in 1947, University of Maryland University College (UMUC) is one of 12 degree-granting institutions in the University System of Maryland (USM). Headquartered in Adelphi, Maryland, UMUC is a global university, serving more than 80,000 students worldwide, including substantial active-duty military service members, reservists, veterans, and their family members. It is one of the largest public universities in the nation and among the largest educational providers to the U.S. military. UMUC has been growing consistently for the past several years, and it is the intent of the University to accelerate profitable growth while maintaining high quality. The significant gap in higher education attainment can be partially addressed by UMUC services, and it is our mission to boldly do so.

Since its founding, UMUC has focused on the unique educational and professional development needs of adult students—students who must balance the demands of full-time jobs, military service, family, and community responsibilities. The University strives to offer students maximum convenience and flexibility in pursuing their education. Currently, UMUC offers an array of career-relevant programs fully online, on-site, and in a hybrid format, that combines online and on-site study. On-site classes and services are offered in more than 20 locations across Maryland, Virginia, and Washington, D.C. as well as in 20 countries and territories around the world. Please visit www.umuc.edu for more information about UMUC.

Effective July 1, 2019, UMUC will be renamed University of Maryland Global Campus. Any resulting contract and other documents after that date will reflect the name change.

For a profile of the University, see http://www.umuc.edu/visitors/about/.
UMUC’s mission and core values may be found at: http://www.umuc.edu/visitors/about/mission.

1.3 Procurement Regulations. This RFP shall be conducted in accordance with USM Procurement Policies and Procedures. The procurement method is Competitive Sealed Proposals. The text of the Policies and Procedures is available at http://www.usmd.edu/regents/bylaws/SectionVIII/VIII300.html.

1.4 Late submittals will not be accepted.
Proposals are to be submitted in accordance with this Section to University of Maryland University College’s Issuing Office. Refer to the Solicitation Schedule for information regarding subsequent submittals during the procurement process.

1.5 Minority Business Enterprises (MBE) and Small Business Enterprises (SBE).
Minority participation is important to UMUC and the State of Maryland. State-certified Minority Business Enterprises (MBE) and Small Business Enterprises (SBE) are strongly encouraged to respond to this solicitation notice. If not certified by the Maryland Department of Transportation (MDOT) or by Department of General Services (DGS) eMaryland Marketplace, MBEs and SBE’s are encouraged to initiate certification as soon
as possible. For more information on the State’s MBE and SBE programs or questions related to registration and certification, please contact the following:

MDOT’s Office of Minority Business Enterprise/Equal Opportunity, telephone 800-544-6056 or view the MDOT website http://www.mdot.state.md.us/mbef/index.html.

Department of General Services (DGS) eMaryland Marketplace, visit www.smallbusinessreserve.maryland.gov for additional information.

1.6 **Term of Contract.**
The initial term of this Contract shall commence on **July 1, 2020, and conclude June 30, 2025.** There will be an option(s) to renew at the sole discretion of UMUC for a period of time not to exceed five (5) additional years.

1.7 **Acceptance of Terms and Conditions.**
By submitting an offer in response to this RFP, an Offeror shall be deemed to have accepted all the terms, conditions, and requirements set forth in this RFP. The RFP including all addenda in total shall be incorporated into the contract by reference.

1.8 **Proposal and Contract Security.**
Not applicable to this procurement.

1.9 **Confidentiality of University’s and/or Proposers’ Information.** UMUC is subject to the Maryland Public Information Act. 1.10 **Award Eligibility.**
Offerors who have no operations in the United States shall not be considered for an award. *Only proposers with no fewer than five (5) years of experience in recruitment process outsourcing and experience managing at least one client with stateside and overseas workforce of no fewer than 3,000 employees (global scale/reach) will be considered.*

Offerors shall be registered in accordance with the Corporations and Associations Article, Annotated Code of Maryland, and shall be in good standing with the Maryland State Department of Assessments and Taxation upon award. More information may be found at: http://dat.maryland.gov/Pages/default.aspx.
SECTION IV

PROCUREMENT PHASE 1 AND EVALUATION

PROCESS PORTFOLIO SUBMITTAL AND REQUIREMENTS

1. **Portfolio Requirements:**
As the initial phase of this procurement, interested vendors are to submit a Portfolio that provides evidence of its qualifications, in accordance with this Section IV.

Portfolios shall be submitted to the two (2) individuals at the Issuing Office no later than the date and time specified in the Solicitation Schedule. Portfolios should be succinct and focused. The Portfolio submission (including a transmittal letter and responses to the Portfolio Requirements listed below) shall not exceed fifteen (15) pages.

**Portfolios shall not be accepted via email.** An original plus nine (9) copies (for a total of 10), as well as a flash drive of the Portfolio must be received at the Issuing Office by the time and date per the Solicitation Schedule, as well as listed on the cover of this RFP, in order to be considered. Portfolio must be in a sealed envelope or container.

Offerors should clearly mark the original hard copy of the Portfolio, as this is considered by UMUC to be the official Offer from the Proposer. By providing flash drive, Offeror grants UMUC the right to reproduce and distribute copies of the Portfolio internally for evaluation purposes. Portfolio on the flash drive must be compiled as one document and provided in pdf and WORD/Excel for ease of use by UMUC

Proposals or unsolicited amendments to proposals arriving after the due date and time will not be considered.

2. **Portfolio Criteria:**
The following information must be furnished in the Portfolio. Proposers are requested to organize and title each section within the Portfolio in the same order as outlined below in items. Proposers must paginate the Portfolio and are requested to provide separations between the responses to each of the Portfolio Requirements.

2.1 **Company Qualification.**

Only proposers with no fewer than five (5) years of experience in recruitment process outsourcing and experience in managing at least one client with stateside and overseas workforce of no fewer than 3,000 employees (i.e. demonstrated global scale/reach) will be considered. Provide evidence that your company meets this qualification.
Company Experience and Client References - Include the following:

a) Provide a brief narrative on the profile of your company and include a brief history of the company including the number of years in business, the number of years providing recruitment process outsourcing services, your company’s headquarters location and location of office that will service UMUC, if different.

b) Provide the names and titles of your senior leadership team. Include number of years at the company, each members’ specific area of expertise and number of years in that expertise.

c) Provide notable clients under management and describe the goal or key performance indicator(s) for each client.

d) Provide your company’s top five (5) clients by full time equivalent (FTE) count and location.

2.3 Services and Technology. List and briefly describe the services that your firm provides (e.g. Applicant Tracking, Competency Validation, Reporting and Analysis, etc.). List and describe the technology used to enhance the delivery of the services.

2.4 Bid/Proposal Affidavit: Complete and sign the Bid/Proposal Affidavit enclosed in Appendix A and enclose with the Portfolio. Note: The Bid/Proposal Affidavit will not count toward the fifteen (15) page limit.

3. Portfolio Evaluation:

Portfolio submittals shall be evaluated based on:

3.1 Company Experience and Clients: Qualifications of the company specifically in recruitment services, to include:

- Total years of experience in recruitment services (company’s or proposed account lead’s experience shall be considered);
- Notable clients;
- Experience with global recruitment;
- Experience with clients in higher education or similar function

3.2 Services and Technology: Qualifications of the company in using technologically enhanced services, to include:

- Bot, Artificial Intelligence (AI);
- Virtual reality, and other technologies;
- HRIS systems and utilization tools

A University Qualification Committee (“the Committee”) will evaluate the Portfolios for
minimum qualifications, applicability and similarity to the University’s needs/requirements, including experience, array of services, and use of technology for establishing a shortlist of qualified vendors.

The University’s Procurement Officer will facilitate the evaluation process. The Committee will rank the Portfolios and submit a shortlist of proposing vendors for further consideration to the Procurement Officer. The Procurement Officer will ratify the recommended shortlist and will notify Proposers of the results of the evaluation. Shortlisted Proposers will be provided the Scope of Work and may be invited to submit a Technical and Price Proposal as well as a list of references. Proposers that are further shortlisted will be invited to attend an oral/discussion session/s as described in Phase 3. As the procurement progresses, the Committee may seek input from other appropriate University staff and/or additional assistance from any other source at any time.
ANTICIPATED PHASES FOLLOWING PORTFOLIO PHASE

1. Anticipated Phases 2 through 4 of the Procurement:

1.1. Phase 2 - Issue Scope of Work (SOW) to Shortlisted Proposers: Following the Portfolio Phase, only the Shortlisted Proposers as determined by the ranking resulting from the Portfolio review process will be provided the SOW and invited to submit a Technical Proposal. At this time, the University will also request references from the Shortlisted Proposers.

1.2. Phase 3 – Oral Presentations/Interviews: Following the evaluation of all submitted Technical Proposals, only further Shortlisted Proposers as determined by the ranking resulting from the Technical Proposal review process may be invited to attend an Oral Presentation/Interview Session.

The purpose of the Oral Presentations is to allow the Proposer to explain its qualifications and skills of the proposed team as they apply to the requirements of UMUC’s Services. The criteria and format of the oral presentation will be provided to the Shortlisted Proposers in writing at the time of the scheduling of oral presentations. (Refer to Solicitation for anticipated date of notification regarding the shortlist.)

The University, upon completion of the initial Technical Proposal evaluation, will set the actual time of the Oral Presentations on the date shown in the Solicitation Schedule. Proposers are advised to set aside these dates in their entirety. Proposers must determine how they can best present proposed team members and key personnel’s qualifications. The Procurement Officer will advise each final Shortlisted Proposer of the date and time for its Oral Presentation.

Shortlisted Proposers, following the Oral Presentations/Interviews will be invited to submit a Price Proposal. A Best and Final Offer (BAFO) may be requested at UMUC’s discretion.

1.3. Phase 4 – Final Award: Following Phases 1-3, UMUC will determine an awardee, and proceed to contract negotiations.

Note: Proposers are encouraged to submit the best possible proposal at each opportunity for submittal or presentation as UMUC reserves the right to re-sequence the phases and/or waive Phase 3 if deemed in its best interest to do so. UMUC may not invite all Shortlisted Proposers at any phase to present their proposal if UMUC deems it unnecessary for further examination or clarification.

Details will be provided to the Shortlisted Proposers per the Solicitation Schedule.

2. Recommendation of Award or Further Discussions:

The University reserves the right to recommend an Offeror for contract award based upon the Offeror’s Technical Proposal and Price Proposal without further discussion. However, should
the Committee find that further discussion would benefit the University and the State; the Committee shall recommend such discussions to the Procurement Officer. Should the Procurement Officer determine that further discussion would be in the best interest of the University and the State; the Procurement Officer shall establish procedures and schedules for conducting discussions and will notify responsible Offerors.

3. University Name Change and Rebranding:

Effective July 1, 2019, UMUC will be renamed University of Maryland Global Campus. Any resulting contract and other documents after that date will reflect the name change.
APPENDIX A

BID/PROPOSAL AFFIDAVIT

A.  AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT: I am the (title) ___________________________________________ and the duly authorized representative of (business) ___________________________________________ and that I possess the legal authority to make this Affidavit on behalf of myself and the business for which I am acting.

B.  NOT USED

B-1.  CERTIFICATION REGARDING MINORITY BUSINESS ENTERPRISES
(applicable if an MBE goal is set)

The undersigned bidder or offeror hereby certifies and agrees that it has fully complied with the State Minority Business Enterprise Law, State Finance and Procurement Article, §14-308(a)(2), Annotated Code of Maryland, which provides that, except as otherwise provided by law, a contractor may not identify a certified minority business enterprise in a bid or proposal and:

(1)  Fail to request, receive, or otherwise obtain authorization from the certified minority business enterprise to identify the certified minority proposal;

(2)  Fail to notify the certified minority business enterprise before execution of the contract of its inclusion in the bid or proposal;

(3)  Fail to use the certified minority business enterprise in the performance of the contract; or

(4)  Pay the certified minority business enterprise solely for the use of its name in the bid or proposal.

Without limiting any other provision of the solicitation on this project, it is understood that if the certification is false, such false certification constitutes grounds for the State to reject the bid submitted by the bidder on this project, and terminate any contract awarded based on the bid.

B-2.  CERTIFICATION REGARDING VETERAN-OWNED SMALL BUSINESS ENTERPRISES (if applicable to the solicitation)

The undersigned bidder or offeror hereby certifies and agrees that it has fully complied with the State veteran-owned small business enterprise law, State Finance and Procurement Article, §14-605, Annotated Code of Maryland, which provides that a person may not:

(1)  Knowingly and with intent to defraud, fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain public money, procurement contracts, or funds expended under a procurement contract to which the person is not entitled under this title;
(2) Knowingly and with intent to defraud, fraudulently represent participation of a veteran–owned small business enterprise in order to obtain or retain a bid preference or a procurement contract;

(3) Willfully and knowingly make or subscribe to any statement, declaration, or other document that is fraudulent or false as to any material matter, whether or not that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document;

(4) Willfully and knowingly aid, assist in, procure, counsel, or advise the preparation or presentation of a declaration, statement, or other document that is fraudulent or false as to any material matter, regardless of whether that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document;

(5) Willfully and knowingly fail to file any declaration or notice with the unit that is required by COMAR 21.11.12; or

(6) Establish, knowingly aid in the establishment of, or exercise control over a business found to have violated a provision of §B-2(1)—(5) of this regulation.

C. AFFIRMATION REGARDING BRIBERY CONVICTIONS

I FURTHER AFFIRM THAT: Neither I, nor to the best of my knowledge, information, and belief, the above business (as is defined in Section 16-101(b) of the State Finance and Procurement Article of the Annotated Code of Maryland), or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business’s contracting activities including obtaining or performing contracts with public bodies has been convicted of, or has had probation before judgment imposed pursuant to Criminal Procedure Article, §6-220, Annotated Code of Maryland, or has pleaded nolo contendere to a charge of bribery, attempted bribery, or conspiracy to bribe in violation of Maryland law, or of the law of any other state or federal law, except as follows (indicate the reasons why the affirmation cannot be given and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of person(s) involved, and their current positions and responsibilities with the business):

D. AFFIRMATION REGARDING OTHER CONVICTIONS

I FURTHER AFFIRM THAT: Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business’s contracting activities including obtaining or performing contracts with public bodies, has:
(1) Been convicted under state or federal statute of a criminal offense incident to obtaining or attempting to obtain, or performing a public or private contract, fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property;

(2) Been convicted of any criminal violation of a state or federal antitrust statute;

(3) Been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §1961, et seq., or the Mail Fraud Act, 18 U.S.C. §1341 et seq., for acts arising out of the submission of bids or proposals for a public or private contract;

(4) Been convicted of a violation of the State Minority Business Enterprise Law, Section 14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland;

(5) Been convicted of a violation of §11-205.1 of the State Finance and Procurement Article of the Annotated Code of Maryland;

(6) Been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction or liability under any law or statute described in subsection (1), (2), (3), (4) or (5), above;

(7) Been found civilly liable under a state or federal antitrust statutes for acts or omissions in connection with the submission of bids or proposals for a public or private contract;

(8) Admitted in writing or under oath, during the course of an official investigation or other proceedings, acts or omissions that would constitute grounds for conviction or liability under any law or statute described above, except as follows (indicate reasons why the affirmations cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the business, and the status of any debarment):

E. AFFIRMATION REGARDING DEBARMENT

I FURTHER AFFIRM THAT: Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business’s contracting activities, including obtaining or performing contracts with public bodies, has ever been suspended or debarred (including being issued a limited denial of participation) by any public entity, except as follows (list each debarment or suspension providing the dates of the suspension or debarment, the name of the public entity and the status of the proceedings, the name(s) of the person(s) involved and their current positions and responsibilities with the business, the grounds of the debarment or suspension, and the details of each person's involvement in any activity that formed the grounds of the debarment or suspension):
F. AFFIRMATION REGARDING DEBARMENT OF RELATED ENTITIES

I FURTHER AFFIRM THAT:

(1) The business was not established and it does not operate in a manner designed to evade the application of or defeat the purpose of debarment pursuant to Sections 16-101, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland; and

(2) The business is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business, except as follows (you must indicate the reasons why the affirmations cannot be given without qualification):

G. SUB-CONTRACT AFFIRMATION

I FURTHER AFFIRM THAT: Neither I, nor to the best of my knowledge, information, and belief, the above business, has knowingly entered into a contract with a public body under which a person debarred or suspended under Title 16 of the State Finance and Procurement Article of the Annotated code of Maryland will provide, directly or indirectly, supplies, services, architectural services, construction-related services, leases of real property, or construction.

H. AFFIRMATION REGARDING COLLUSION

I FURTHER AFFIRM THAT: Neither I, nor to the best of my knowledge, information, and belief, the above business, has:

(1) Agreed, conspired, connived, or colluded to produce a deceptive show of competition in the compilation of the accompanying bid or offer that is being submitted;

(2) In any manner, directly or indirectly, entered into any agreement of any kind to fix the bid price or price proposal of the bidder or offeror or of any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the accompanying bid or offer is submitted.

I. FINANCIAL DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT: I am aware of, and the above business will comply with the provisions of Section 13-221 of the State Finance and Procurement Article of the Annotated Code of Maryland, which require that every business that enters into contracts, leases, or other
agreements with the State of Maryland or its agencies during a calendar year under which the business is to receive in the aggregate $100,000 or more shall, within 30 days of the time when the aggregate value of these contracts, leases or other agreements reaches $100,000, file with the Secretary of State of Maryland certain specified information to include disclosure of beneficial ownership of the business.

J. POLITICAL CONTRIBUTION DISCLOSURE AFFIRMATION

I FURTHER AFFIRM THAT: I am aware of and that the above business will comply with, Election Law Article, §§14-101 – 14-108, Annotated Code of Maryland, which requires that every person that enters into contracts, leases, or other agreements with the State of Maryland, including its agencies or a political subdivision of the State, during a calendar year in which the person receives in the aggregate $100,000 or more shall file with the State Board of Elections a statement disclosing contributions in excess of $500 made during the reporting period to a candidate for elective office in any primary or general election.

K. DRUG AND ALCOHOL-FREE WORKPLACE

(Applicable to all contracts unless the contract is for a law enforcement agency and the agency head or the agency head's designee has determined that application of COMAR 21.11.08 and this certification would be inappropriate in connection with the law enforcement agency's undercover operations.)

I CERTIFY THAT:

(1) Terms defined in COMAR 21.11.08 shall have the same meaning when used in this certification.

(2) By submission of its bid or offer, the business, if other than an individual, certifies and agrees that, with respect to its employees to be employed under a contract resulting from this solicitation, the business shall:

(a) Maintain a workplace free of drug and alcohol abuse during the term of the contract;

(b) Publish a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of drugs, and the abuse of drugs or alcohol is prohibited in the business’ workplace and specifying the actions that will be taken against employees for violation of these prohibitions;

(c) Prohibit its employees from working under the influence of drugs and alcohol;
(d) Not hire or assign to work on the contract anyone whom the business
knows, or in the exercise of due diligence should know, currently abuses drugs or alcohol and
is not actively engaged in a bona fide drug or alcohol abuse assistance or rehabilitation program;

(e) Promptly inform the appropriate law enforcement agency of every drug-
related crime that occurs in its workplace if the business has observed the violation or
otherwise has reliable information that a violation has occurred;

(f) Establish drug and alcohol abuse awareness programs to inform its
employees about:

(i) The dangers of drug and alcohol abuse in the workplace,
The business' policy of maintaining a drug and alcohol-free

(ii) Any available drug and alcohol counseling, rehabilitation, and
employee assistance programs; and

(iii) The penalties that may be imposed upon employees who
abuse drugs and alcohol in the workplace;

(g) Provide all employees engaged in the performance of the contract with
a copy of the statement required by K(2)(b), above;

(h) Notify its employees in the statement required by §K(2)(b) above, that as
a condition of continued employment on the contract, the employee shall:

(i) Abide by the terms of the statement, and

(ii) Notify the employer of any criminal drug or alcohol abuse
conviction for an offense occurring in the workplace not later than five (5) days after a
conviction;

(i) Notify the procurement officer within 10 days after receiving notice
under §K(2)(h)(ii), above, or otherwise receiving actual notice of a conviction;

(j) Within 30 days after receiving notice under §K(2)(h)(ii), above, or
otherwise receiving actual notice of a conviction, impose either of the following sanctions
or remedial measures on any employee who is convicted of a drug or alcohol abuse offense
occurring in the workplace:

(i) Take appropriate personnel action against an employee, up to
and including termination, or

(ii) Require an employee to satisfactorily participate in a bona fide
drug or alcohol abuse assistance or rehabilitation program; and,

(k) Make a good faith effort to maintain a drug and alcohol-free workplace through implementation of §K(2)(a)-(j), above.

(3) If the business is an individual, the individual shall certify and agree, as set forth in K(4), below, that the individual shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of drugs or the abuse of drugs or alcohol in the performance of the contract.

(4) I acknowledge and agree that:

(a) The award of contract is conditional upon compliance with COMAR 21.11.08 and this certification;

(b) The violation of the provisions of COMAR 21.11.08 or this certification shall be cause to suspend payments under, or terminate the contract for default under COMAR 21.07.01.11 or 21.07.03.15, as applicable; and

(c) The violation of the provisions of COMAR 21.11.08 or this certification in connection with the contract may, in the exercise of the discretion of the Board of Public Works, result in suspension and debarment of the business under COMAR 21.08.03.

L. CERTIFICATION OF CORPORATION REGISTRATION AND TAX PAYMENT

I FURTHER AFFIRM THAT:

(1) The business named above is a (domestic)(foreign) [check one] corporation registered in accordance with the Corporations and Associations Article, Annotated Code of Maryland, and that it is in good standing and has filed all of its annual reports, together with filing fees, with the Maryland State Department of Assessments and Taxation, and that the name and address of its resident agent filed with the State Department of Assessments and Taxation is:

Name:

_________________________________________

Address:

_________________________________________

(If not applicable, so state.)

(2) Except as validly contested, the business has paid, or has arranged for payment of, all taxes due the State of Maryland and has filed all required returns and reports with the Comptroller of the Treasury, the State Department of Assessments and Taxation, and the Employment Security Administration, as applicable, and will have paid all withholding taxes
due the State of Maryland prior to final settlement.

M. CONTINGENT FEES

I FURTHER AFFIRM THAT: The business has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the business, to solicit or secure the Contract, and that the business has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee or agent, any fee or any other consideration contingent on the making of the Contract.

N. CONFLICT OF INTEREST AFFIDAVIT AND DISCLOSURE

(1) "Conflict of interest" means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the State, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.

(2) "Person" has the meaning stated in COMAR 21.01.02.01B(64) and includes a bidder, offeror, contractor, consultant, or subcontractor or subconsultant at any tier, and also includes an employee or agent of any of them if the employee or agent has or will have the authority to control or supervise all or a portion of the work for which a bid or offer is made.

(3) The bidder or offeror warrants that, except as disclosed in §(4), below, there are no relevant facts or circumstances now giving rise or which could, in the future, give rise to a conflict of interest.

(4) The following facts or circumstances give rise or could in the future give rise to a conflict of interest (explain detail—attach additional sheets if necessary):

(5) The bidder or offeror agrees that if an actual or potential conflict of interest arises after the date of this affidavit, the bidder or offeror shall immediately make a full disclosure in writing to the procurement officer of all relevant facts and circumstances. This disclosure shall include a description of actions which the bidder or offeror has taken and proposes to take to avoid, mitigate, or neutralize the actual or potential conflict of interest. If the contract has been awarded and performance of the contract has begun, the contractor shall continue performance until notified by the procurement officer of any contrary action to be taken.
O. CERTIFICATION REGARDING INVESTMENTS IN IRAN

(1) The undersigned bidder or offeror certifies that, in accordance with State Finance & Procurement Article, §17-705:

(i) it is not identified on the list created by the Board of Public Works as a person engaging in investment activities in Iran as described in §17-702 of State Finance & Procurement; and

(ii) it is not engaging in investment activities in Iran as described in State Finance & Procurement Article, §17-702.

(2) The undersigned bidder or offeror is unable to make the above certification regarding its investment activities in Iran due to the following activities:

P. ACKNOWLEDGMENT

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Procurement Officer and may be distributed to units of: (1) the State of Maryland; (2) counties or other subdivisions of the State of Maryland; (3) other states; and, (4) the federal government. I further acknowledge that this Affidavit is subject to applicable laws of the United States and the State of Maryland, both criminal and civil, and that nothing in this Affidavit or any contract resulting from submission of this bid or proposal shall be construed to supersede, amend, modify or waive, on behalf of the State of Maryland or any unit of the State of Maryland having jurisdiction, the exercise of any right or remedy conferred by the Constitution and the laws of Maryland in respect to any misrepresentation made or any violation of the obligations, terms and covenants undertaken by the above business in respect to (1) this Affidavit, (2) the contract, and (3) other Affidavits comprising part of the contract.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date:  By:

________________________________________________________________________
(Authorized Representative and Affiant)

Company Name:

FEIN No: